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not the more logical, because from a business point of view an instrument void on its face is an injury to one's title and depreciates its market value. The question of the running of the statute of limitations was also raised and it was adjudged that it has no application to an action to remove a cloud from title where the owner is not "out of possession" by means of defendant's possession. *Penrose v. Doherty*, 70 Ark. 256; *Cameron v. Lewis*, 59 Miss. 134; *American Emigrant Co. v. Fuller*, 83 Iowa 599; *Combs v. Combs*, 30 Ky. Law Rep. 873, 99 S. W. 919. The reason for this inoperation of the statute of limitations is that the cause of action is not the creation of the cloud but its existence. *Shoener v. Lissaner*, 107 N. Y. 111. Hence laches will not be imputed to one from a failure to guard against the recording of an invalid deed or instrument purporting a conveyance of his real estate. *Hodges v. Wheeler*, 126 Ga. 848.

WATERS—LIABILITY OF WATER COMPANY FOR NEGLIGENCE IN SUPPLYING WATER FOR FIRE PROTECTION.—A water company agreed to furnish water to the inhabitants of the city of Raleigh under a contract made solely with the city. There was a clause in the contract whereby the water company, "Shall hold said city harmless from any and all damages arising from negligence or mismanagement of the said Water Company or its employees in constructing, extending or in operating said works." Damage was caused to private property by fire due to insufficient water pressure in the mains. The plaintiff insurance company paid the loss and in this action seeks subrogation to the property owner's right to sue the water company for its negligence. It was *held*, that a recovery could be had against the water company for its negligence in not keeping sufficient pressure in the water mains to protect private property from loss by fire. *Powell & Powell v. Wake Water Co.*, (N. C. 1916), 88 S. E. 426.

The court in the principal case, one judge dissenting, held that the ruling in *Gorrell v. Water Co.*, 124 N. C. 328, 46 L. R. A. 513, 70 Am. St. Rep. 598, was applicable. In affirming the individual's right to sue for the negligence of the water company the principal case is in accord with previous cases: *Fisher v. Greensboro Water Co.*, 128 N. C. 375, 4 MICH. L. REV. 540; *Jones v. Water Co.*, 135 N. C. 553, 47 S. E. 615; *Morton v. Water Co.*, 168 N. C. 582, 84 S. E. 1019. See also, 13 HARV. L. REV. 226; 15 *id.* 784; 20 *id.* 242. This subject has been fully discussed pro and contra in this Review: 3 MICH. L. REV. 442, 501; 4 *id.* 540; 5 *id.* 362; 8 *id.* 485.

WILLS—GENERAL AND SPECIFIC LEGACIES.—Testatrix was the owner and in possession of 510 shares of the capital stock of the National Bank of Commerce at the time of her death. By her will she bequeathed to legatees named therein this stock as follows: "Four, I give and bequeath 136 shares of stock of the National Bank of Commerce to Martha," and other gifts in similar language. In an action by appellant as legatee of three hundred and eighteen shares of this stock for dividends paid to the respondents as executors by the Bank of Commerce, *held*, that the legatee took specific legacies of such shares and so was entitled to dividends. *In re Largue's Estate*, (Mo. 1916) 183 S. W. 608.